

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,
Plaintiff,

v

RAFAEL ORTEGA REY
Defendant.

CRIMINAL NO. 99-217 (PG)

MOTION TO REQUEST A HEARING ON A PROBATION VIOLATION ALLEGATION

COMES NOW, the defendant, through counsel, and requests that a hearing be set on the probation violation allegations pending in the instant case.

This motion is supported by the Memorandum of Law attached hereto and hereby incorporated by reference.

Dated this 2nd day of February 2006.

**JOSEPH C. LAWS, JR.
Federal Public Defender
District of Puerto Rico**

S/Héctor E. Guzmán, Jr.
**HECTOR E. GUZMAN, JR.
USDC-PR 216108
A.F.P.D. for Defendant
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MEMORANDUM OF LAW

The probation violation hearing on this case was continued without date at the request the defendant's attorney. The reason for the continuance was that counsel wanted the defendant to undergo a psychological evaluation prior to the hearing. The Court granted the defense that opportunity.

A psychologist was contacted to conduct said evaluation, but because of her schedule she has been unable to examine the defendant. However, with the passage of time, the then existing concerns relative to a mental examination of the defendant, have ameliorated and counsel feels confident presently that this case can be resolved without psychological intervention.

Therefore, the present request is made to this Court to set the matter for a revocation hearing.

18 U.S.C. 3583.

JOSEPH C. LAWS, JR.

Federal Public Defender

/s HECTOR E. GUZMAN Jr.
HECTOR E. GUZMAN Jr.
Assistant Federal Public Defender
USDPR- 216108
259 F.D. Roosevelt
San Juan, PR 00918-2305
Tel. 281-4922

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties of record.

In San Juan, Puerto Rico, this 2nd day of February 2006.

S/Héctor E. Guzmán, Jr.
HECTOR E. GUZMAN, JR.
USDC-PR 216108